

### **Remarks**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. Claims 6, 7, 14-18, and 20-26 are pending in the application. Claims 6, 7, 14-18, and 20-26 are rejected. No claims have been allowed. Claims 6, 7, and 14 are independent. Claims 6, 7, 14-18, and 22-23 have been amended.

### ***Cited Art***

The Action cites:

Herz et al., U.S. Patent No. 5,758,257 (hereinafter “Herz”);

Wood, U.S. Patent Publication No. 2002/0054752 (hereinafter “Wood”);

Alexander et al., U.S. Patent No. 6,177,931 (hereinafter “Alexander”);

Yoshinobu, U.S. Patent No. 5,734,444 (hereinafter “Yoshinobu”);

Ellis et al., U.S. Patent Publication No. 2007/0199030 (hereinafter “Ellis”); and

Smith, U.S. Patent No. 5,933,141 (hereinafter “Smith”).

### ***Claim Rejections under 35 U.S.C. § 101***

The Action rejects claims 14-18, 22, 23, 25, and 26 under 35 U.S.C. § 101 as allegedly directed toward non-statutory subject matter. Applicants respectfully traverse this rejection.

These claims have been amended to delete the word “medium” and replace it with “device” to ensure that it cannot cover transitory signals. As such, the claims are clearly directed to statutory subject matter. It is, therefore, respectfully requested that the rejection be reversed.

### ***Claim Rejections under 35 U.S.C. § 103(a)***

The Action rejects claims 6, 14-18, 20, and 21 under 35 U.S.C. § 103(a) as unpatentable over Herz in view of Wood in view of Alexander in view of Yoshinobu and further in view of Ellis.

The Action rejects claim 7 under 35 U.S.C. § 103(a) as unpatentable over Herz in view of Wood in view of Alexander and further in view of Yoshinobu and further in view of Ellis and further in view of Ellis.

In regards to claim 6, the Examiner found that Ellis disclosed the previously amended feature of pausing a transmission by sending a pause command to the interactive head-end to

interrupt delivery of a video program. The present application also describes monitoring the length of the interruption and possibly changing transmission channels if the interruption exceeds a time threshold. This feature is discussed at page 9, lines 3-11 of the current application. Accordingly, claim 6 has been amended to include that if the break exceeds a predetermined time threshold, returning an assigned transmission channel to a pool of available transmission channels and upon resuming, assigning a different transmission channel to the transmission of the video program. Ellis does not describe the possibility of dynamically assigning a new transmission channel.

Independent claim 7 has also been amended such that if the pause exceeds a predetermined time threshold, returning an assigned transmission channel to a pool of available transmission channels using a different transmission channel for resuming the paused program. As described above, Ellis does not discuss changing transmission channels due to a pause command.

Finally, claim 14 has been amended to include that if the pause exceeds a predetermined time threshold, returning an assigned transmission channel to a pool of available transmission channels and using a different transmission channel for resuming the paused television program. For the reasons described above, Ellis does not include this feature.

The remaining claims depend from the independent claims and should be in condition for allowance for the reasons stated above.

### ***Interview Request***

If the claims are not found by the Examiner to be allowable, the Examiner is requested to call the undersigned attorney to set up an interview to discuss this application.

***Conclusion***

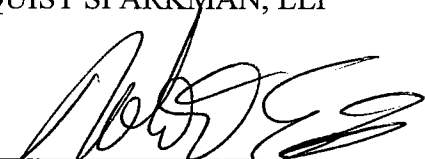
The claims in their present form should be allowable. Such action is respectfully requested.

Respectfully submitted,

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